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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/554,424 11/06/95 VAN DER FLOEG L 19338DA

GERARD H. BENGEN, P.A.
426 ANDERSON COURT
ORLANDO FL 32801

HM22/1213

EXAMINER

LUBET, M

ART UNIT

PAPER NUMBER

1844
DATE MAILED:

19
12/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/554,424

Applicant(s)

Van Der + Ploeg

Examiner

Lubet

Group Art Unit

1644

☒ Responsive to communication(s) filed on Oct 4, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 20-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 20-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1622

1. The request in Paper 18 filed on Oct. 4, 1999 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/554,424 is granted.
2. Claims 20-26 are under examination.
3. The text of those section of Title 35, U.S.C. not included in this action can be found in a prior office action.
4. The rejection of Claims 20-26 under 35 U.S. C. 112, second paragraph is maintained for the reasons of record set forth in Paper 17 mailed June 2, 1999 Applicant has not responded to this rejection in the request for CPA filed Oct 4. 1999.
5. The rejection of claims under 35 U.S. C. 112, first paragraph is maintained for the reasons of record set forth in Paper 17 mailed June 2, 1999. Applicant has not responded to this rejection in the request for CPA filed Oct 4. 1999.
6. The rejection of claim 20 under 35 U.S. C. 103(a) as being unpatentable over Jackson et al. in view of O'Dowd is maintained for the reasons of record set forth in Paper 17 mailed June 2, 1999. Applicant has not responded to this rejection in the request for CPA filed Oct 4. 1999.
7. The rejection of claims 20-23 under 35 U.S. C. 103(a) as being unpatentable over Hall et al. is maintained for the reasons of record set forth in Paper 17 mailed June 2, 1999. Applicant has not responded to this rejection in the request for CPA filed Oct 4. 1999.
8. Examiner believes that all pertinent arguments have been addressed.
9. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, THIS ACTION IS MADE FINAL even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 1622

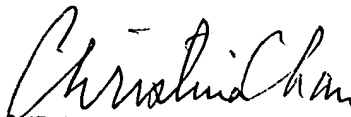
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martha Lubet in Art Unit 1644 whose telephone number is (703) 305-7148. The examiner can normally be reached on Monday through Friday from 8:15 AM to 4:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (703) 305-3973. The FAX number for this group is (703) 305-3014 or 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Martha T. Lubet

Dec. 13, 1999


CHRISTINA Y. CHAN
SUPERVISORY PATENT EXAMINER
GROUP 1800 / 660